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6 September 1967

MEMORANDUM FOR: Acting Legislative Counsel

SUBJECT: Naturalization Rights of Employees of
RFE and Radio Liberty - H.R. 2138

1. You have posed two questions as to the rights of certain RFE and Radio Liberty employees to be naturalized:

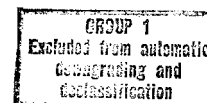
a. Are these employees now eligible to be naturalized under that provision of the Immigration and Nationality Act which provides that absence from the United States after being lawfully admitted for permanent residence and being "physically present and residing in the United States...for an uninterrupted period of at least one year," shall not break the required five-year period of continuous residence if the absence is occasioned by the fact that he is an employee of "an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States"?

b. Would such employees be eligible under H.R. 2138, if Government support of RFE and Radio Liberty is acknowledged?

2. Question 1a is answered in the negative.

a. RFE and Radio Liberty are not American firms or corporations "engaged in whole or in part in the development of foreign trade and commerce of the United States." (There are several other categories of employers for whose employees' absence from the United States would not break the continuous residence period, but these would also not include RFE or Radio Liberty.)

SECRET



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b. In any event, nearly all of the employees involved have not been physically present or resided in the United States for an uninterrupted period of at least one year.

3. Under existing law, naturalization may be accomplished only if (among other things) immediately preceding the date of filing for naturalization the petitioner has resided continuously after being lawfully admitted for permanent residence, within the United States for at least five years and has been physically present in the United States for periods totaling at least two and one-half years. Absence from the United States after having been lawfully admitted for permanent residence and having been physically present and residing in the United States for an uninterrupted period of at least one year will not break the required period of continuous residence, if the absence is caused by employment by the United States Government (or by other employers not pertinent here). H. R. 2138 would permit naturalization of employees of "a bona fide United States incorporated nonprofit organization which is principally engaged in conducting abroad through communications media the dissemination of information which significantly promotes United States interests abroad and which is recognized as such by the Attorney General." There are several other requirements also, one of which is that the employees must have been employed for a period of not less than five years "after a lawful admission for permanent residence." Acknowledgment of Government support of RFE and Radio Liberty, in our view, would have no effect on the application of this provision to the Radio employees.



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